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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,969	10/10/2006	Junya Ohde	286085US6PCT	8866
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
HUERTA, ALEXANDER Q				
ART UNIT		PAPER NUMBER		
2427				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/568,969

**Applicant(s)**

OHDE ET AL.

**Examiner**

Alexander Q. Huerta

**Art Unit**

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22, 24-32, 34-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22, 24-32, 34-41 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 June 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 22, 24-32, 34-41, and 43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 22, 26, 32, 36, 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack et al. (US Pub. **2002/0129368**) in view of in view of Zimmerman (US Pub. **2002/0140728**), and in further view of Banker et al. (US Pub. **2008/0040745**), herein referenced as Schlack, Zimmerman, and Banker, respectively.

Regarding **claim 22**, Schlack discloses “an information providing apparatus (set-top box 220 for providing added-value information associated with content viewing selection” ([0069], [0127], Fig. 2A). The apparatus comprising:

“a viewing log (viewer profile 293) information acquiring unit configured to acquire a viewing log the viewing log including a log of a viewing of content ...” ([0135], Fig. 2B, i.e. the VCPS monitors the interactivity of the viewers to generate a viewer profile. The VCPS monitors things such as channel changes, volume habits, EPG habits etc...);

“a content-associated information acquiring unit configured to acquire content-associated information associated with ... content included in the viewing log, the content-associated information including attributes of ... content in the viewing log” ([0071], [0127], [0160]-[0168], Figs. 16, 20, 24);

“an added-value information generating unit configured to measure an appearance frequency of ... attribute[s] in the content-associated information and rank ... attribute[s] by the appearance frequency in the viewing log, and to generate added-value information, including a list of a predetermined number of attributes which are ranked highest in appearance frequency among the viewing of content ...” ([0175], [0176], [0184], [0190], [0191], Fig. 16, 20, 23-24); and

Schlack fails to explicitly disclose “a presentation-information transmitting unit configured to transmit a signal to present added-information to a user”.

Zimmerman discloses “a presentation-information transmitting unit configured to transmit a signal to present added-information to a user” ([0012], [0021], [0023], Figs. 1-

3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

Schlack discloses using a profiling system to monitor EPG habits, however the combination fails to disclose "a log of a purchase of another content;...and ranking each attribute by the appearance frequency...attributes which are ranked highest in appearance frequency among...the purchase of another content."

Banker teaches the technique of displaying "a log of a purchase of another content (Fig. 10, i.e. Banker discloses a digital home communication terminal that displays a VOD purchase list);...and ranking each attribute by the appearance frequency... attributes which are ranked highest in appearance frequency among...the purchase of another content " ([0052], Fig. 10, i.e. the VOD purchase list displays the most recently purchased programs with their viewing access period. Furthermore, "Frequency" is defined as a "rate of occurrence." The purchase record is ranked with the oldest purchase dates occurring at the top with the newest toward the bottom, which therefore meets the limitation).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying a purchase log of other content and ranking the purchases by appearance frequency as taught by Banker, to improve the profiling system of Schlack

for the predictable result of enabling the users to review charges associated with VOD titles to decide if their spending was reasonable or excessive.

Regarding **claim 26**, Schlack discloses “an added-value information screen that ... [with a] list of the predetermined number of attributes which are ranked highest in appearance frequency.” ([0175], [0184], Figs. 16, 20).

Schlack fails to explicitly disclose that “said presentation-information transmitting unit is further configured to transmit an added-value information screen that displays the list of the predetermined number of attributes...”

Zimmerman discloses that “said presentation-information transmitting unit is further configured to transmit an added-value information screen that displays the list of the predetermined number of attributes...” ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

Regarding **claims 32, 36**, claims 32, 36 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 22, 26, respectively.

Regarding **claim 43**, claim 43 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 22.

**Claims 24-25, 27, 29, 31, 34-35, 37, 39, 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of in view of Zimmerman, Banker, and in further view of Ellis et al.(US Pub. **2004/0117831**), herein referenced as Ellis.

Regarding **claim 24**, Schlack discloses that "said content-associated information acquiring unit is configured to acquire the content-associated information by searching a content information database including attribute information of each content included in the viewing log to acquire the content-associated information" ([0073], [0135], i.e. the profile engine searches the program database and correlates the program data with recorded events to produce a user profile).

Schlack fails to explicitly disclose that "said presentation-information transmitting unit is configured to transmit the added-value information via said communication route".

Zimmerman discloses that "said presentation-information transmitting unit is configured to transmit the added-value information via said communication route" ([0012], [0021], [0023], Figs. 1-3, i.e. one of ordinary skill in the art would recognize that the display of the user profile would be transmitted to the user via a television display or the like, which meets the limitation a "communication route"). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user via a communication route as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorites genres or programs.

Schlack discloses using a profiling system to monitor and record a user's EPG activity and viewing habits using a set-top box, which can include a DVR or PVR ([0125], [0135], i.e. the user information is aggregated into a viewer profile). Banker discloses the technique of displaying a purchasing log (Fig. 10), however the combination fails to explicitly disclose that "said viewing log information acquiring unit is further configured to acquire a recording log of a recorded content, via a communication route, from a recording device, and aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content"

Ellis teaches the technique of "acquir[ing] a recording log of a recorded content, via a communication route, from a recording device." ([0148], Figs. 1a, 19). Thus the combination of Schlack, Banker, and Ellis teaches the limitation of "aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content."

Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of acquiring a recording log via a communication route as taught by Ellis, to improve the profiling system of Schlack for the predictable result of enabling the user to see their past recording choices.

Regarding **claim 25**, Schlack discloses that "said content-associated information acquiring unit is further configured to acquire content-associated information about each content included in the viewing log via a predetermined communication route" ([0071], [0127], [0135], [0160]-[0168], Figs. 16, 20, 24); and



"said added-value information generating unit is further configured to generate the added-value information in said recoding device." ([0125], [0175], [0176], [0184], Figs. 17, 20).

Schlack fails to disclose that "said viewing log information acquiring unit is further configured to acquire a recording log of a recorded content from a recording device, aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content, and store the viewing log in said recording device."

Ellis teaches the technique of "acquir[ing] a recording log of a recorded content, via a communication route, from a recording device." ([0148], Figs. 1a, 19). Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of acquiring a recording log via a communication route as taught by Ellis, to improve the profiling system of Schlack for the predictable result of enabling the user to see their past recording choices.

Schlack discloses using a profiling system to monitor and record a user's EPG activity and viewing habits and to aggregate that information into a viewer profile ([0135]). Banker discloses the technique of displaying a purchasing log (Fig. 10). Thus, the combination of Schlack, Banker, and Ellis teaches the limitation of "aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content."

Regarding **claim 27**, Schlack fails to explicitly disclose "an input unit configured to accept an attribute selection through said added-value information screen; and detail

added-value information generating unit configured to search, in response to a selection of an attribute accepted by said input unit, for a content associated with the selected attribute and to generate detail added-value information including a list of content associated with the selected attribute, wherein said presentation-information transmitting unit is configured to present said detail added-value."

Zimmerman discloses that "said presentation-information transmitting unit is configured to present said detail added-value" ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination still fails to explicitly disclose "an input unit configured to accept an attribute selection through said added-value information screen; and detail added-value information generating unit configured to search, in response to a selection of an attribute accepted by said input unit, for a content associated with the selected attribute and to generate detail added-value information including a list of content associated with the selected attribute."

Ellis discloses "an input unit configured to accept an attribute selection through said added-value information screen; and detail added-value information generating unit configured to search, in response to a selection of an attribute accepted by said input unit, for a content associated with the selected attribute and to generate detail added-value information including a list of content associated with the selected attribute."

([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31, i.e. users are presented with a list of themes or genres. Users can select a theme or genre and be presented with program listings corresponding to the selected theme).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the to improve the profiling system of Schlack for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claim 29**, Schlack fails to disclose that "said detail added-value information generating unit is configured to search schedule information describing future content broadcast or distribution schedule for a content associated with the selected attribute and generate detail added-value information including a list of content associated with the selected attribute which is included in the schedule information including a broadcast or distribution schedule time of each content in the list of content."

Ellis discloses "said detail added-value information generating unit is configured to search schedule information describing future content broadcast or distribution schedule for a content associated with the selected attribute and generate detail added-value information including a list of content associated with the selected attribute which is included in the schedule information including a broadcast or distribution schedule time of each content in the list of content." ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply

the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the to improve the profiling system of Schlack for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claim 31**, Schlack fails to disclose that "said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen, and said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger corresponding an operation to be performed on the selected content."

Zimmerman discloses that "said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen." ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination still fails to explicitly disclose that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger corresponding an operation to be performed on the selected content."

Ellis discloses that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content." ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the to improve the profiling system of Schlack for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claims 34-35, 37, 39, 31**, claims 34-35, 37, 39, 31 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 24-25, 27, 29, 31, respectively.

**Claims 28, 30, 38, 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of in view of Zimmerman, Banker, Ellis, and in further view of Potrebic et al. (US Pub. **2003/0212708**), herein referenced as Potrebic.

Regarding **claim 28**, Schlack fails to explicitly disclose that "said detail added-value information generating unit is configured to search the viewing log for a content associated with the selected attribute and generate detail added-value information including a list of content associated with the selected attribute which is including included in the viewing log.

Ellis teaches the technique of selecting an attribute and "generat[ing] added-value information including a list of content associated with the selected attribute..." ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the to improve the profiling system of Schlack for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

The combination still fails to explicitly disclose that "said detail added-value information generating unit is configured to search the viewing log for a content associated with the ... attribute."

Potrebic discloses "said detail added-value information generating unit is configured to search the viewing log for a content associated with the ... attribute." ([0062], [0063], Fig. 7, i.e. Potrebic teaches the technique of searching a viewer's viewing history against a database of TV programs). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of searching the users viewing log to inform them of shows of related to what they watched that might be of interest as taught by Potrebic, to improve the profiling system of Schlack for the predictable result of reminding the user that a show of interest will be broadcast sometime in the future so that they do not miss it.

Regarding **claim 30**, Schlack fails to disclose that "said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen, and said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content."

Zimmerman discloses that "said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen." ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination still fails to disclose that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content."

Ellis discloses that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content." ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the to improve the profiling system of Schlack for the predictable result of

allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claims 38, 40**, claims 38, 40 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 28, 30, respectively.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Q. Huerta whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta



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Examiner  
Art Unit 2427

July 10, 2009

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427